

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE J.CHELAMESWAR
and
THE HON'BLE SRI JUSTICE D. APPA RAO

W.P.No. 24234 of 2006

Between:-

M/s. Shah Motilal Suresh Kumar,
Hyderabad.

..Petitioner

And

1. The Deputy Commercial Tax Officer,
Anantapur.

..Respondents

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ORDER (Per JC,J) :

This writ petition is filed with a prayer as follows:

“To declare the action of the respondent in detaining 600 bags of skimmed milk powder covered by invoice No.106 Challan No. MP 255 dated 28-0-8-2006 for Rs.17,55,000/- dated 05-10-2006 vide detention Notice No.5497 as illegal and contrary to law and consequently set aside the detention notice issued by the respondent dated 05-10-2006 and dated 10-10-2006 or in alternative interdict the Respondent from proceeding with the sale of seized stocks until completion of enquiry in pursuance of notice No.5497 dated 16-11-2006 initiated under Section 45 (7) (b) of the Act.”

2. It may not be necessary to go into the factual details of the case in detail except stating that the petitioner is a registered dealer under A.P. VAT Act, dealing in dairy products. He claims to have purchased 600 bags of skimmed milk powder 25 kgs each from Uttar Pradesh and Rajasthan. The goods delivered to the transporter. The said goods were intercepted by the respondent herein and subsequently detained on the allegations of certain irregularities in the documents accompanying the goods dated 05-10-2006. Hence, the present writ petition.

3. At the stage of admission, the learned Government Pleader for Commercial Taxes, on obtaining instructions, stated that the respondent does not propose to dispose of the seized goods until the final decision is taken by the respondent in accordance with law pursuant to the seizure of the goods.

4. In the circumstances, we do not see any reason to grant any relief as prayed for. The Writ Petition is disposed of at the

admission stage directing the respondents to take a final decision in accordance with law and until such a final decision is taken, the goods in question shall not be disposed of. No costs.

J.CHELAMESWAR,J

December 27, 2006
KVR

D.APPA RAO,J